

INTRODUCED BY: Planning Staff DATE: January 8, 2008 ITEM NO: 10

Pender County Zoning Ordinance Text Amendment
Section 2, Definitions (Building, Height of)
Section 8.10 Schedule of District Requirements (Note: 6)
Section 9 – Supplementary District Regulations (9.16 – Maximum Building Height)

SUBJECT: Zoning Ordinance Text Amendment

ACTION REQUESTED: Consider a Text Amendment to the Zoning Ordinance to raise the County height limit for all residential and commercial structures in all current zoning districts.

HISTORY/BACKGROUND:

Description of Request: The request consists of amending the current Pender County Zoning Ordinance Sections 2 – Definitions; 8.10 – Schedule of District Requirements; and section 9 – Supplementary District Regulations (*see attached applicant's application & description of request*). The applicant requests that any structure exceeding thirty five feet (35') could have the option to apply for a Special Use Permit, being granted by the Board of County Commissioners.

History/Background Relating to Proposed Amendment: The Zoning Ordinance currently does not allow structures to exceed the height of thirty five feet (35'), only with the exception of Section 10.3 – Height Limit Exceptions, which includes but is not limited to non-human occupancy structures above the roof line and necessary mechanical appurtenances.

EVALUATION:

A) Public Notifications: Public Notice of the request for a text amendment has been advertised in the Pender Post and Topsail Voice.

B) Planning Staff Recommendation to Planning Board: Planning Staff would like to receive input from the Planning Board as to their options for exploration on height limits. Staff has researched other jurisdictions in our geographical area and their height limits. You will find attached, a summary of Planning Staff's findings.

PLANNING BOARD RECOMMENDATION: The Pender County Planning Board is requested to hold a public hearing for a text amendment.

AMENDMENTS:

Planning Board

Motion: _____ **Seconded** _____

Approved: _____ **Denied:** _____ **Unanimous** _____

Walton ___ Reynolds ___ Garrett ___ Gonzales ___ Marshburn ___ Millette ___ Smith ___

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on January 22, 2008, the Pender County Board of Commissioners (approved, denied, modified) a text amendment to the Pender County Zoning Ordinance (section 2 – definitions; 8.10 – schedule of district requirements; section 9 – supplementary district regulations), as described herein and James David Williams Jr., Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

YEA VOTES: Williams ___ Tate ___ Blanchard ___ Brown ___ Rivenbark ___

**James David Williams Jr.,
Chairman**

1-22-2008
Date

ATTEST

1-22-2008
DATE

Zoning Text Amendment – Glen Lewis

**proposed amendments*

SECTION 2 - DEFINITIONS

19) Building, Height of
The vertical distance from the average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.

*19) Building, Height of
The vertical distance from the highest adjacent grade, to the first 'eave' of the building.

Eave

1. *The lower border of a roof that overhangs the wall. (Source: Merriam-Webster)*
2. *The overhanging lower edge of a roof. (Source: dictionary.com)*

8.10 Schedule of District Requirements (9)(12)(15)

(6) Note: The Board of Adjustment may grant approval of construction where heights are greater than those listed in the District Requirements in any area. See also Section 10.3.

* (6) Note: *The Board of Commissioners may grant approval of construction where heights are greater than those listed in the District Requirements in any area. See also Section 10.3 and 9.16.*

SECTION 9 – SUPPLEMENTARY DISTRICT REGULATIONS

*9.16 Maximum Building Height

Any building exceeding thirty-five feet (35') must meet the following requirements:

- A. Any height limit above thirty-five feet (35') shall require a special use permit approved by the Pender County Board of County Commissioners. This requirement shall apply to any use, in all zoning districts.*
- B. The proposed use must meet all requirements and is subject to all provisions of Section 15 (Special Uses) of the Pender County Zoning Ordinance.*
- C. For buildings exceeding thirty-five feet (35'), the applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue area are in place.*



Pender County Planning Department

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PLANNING BOARD APPLICATION FOR ZONING TEXT AMENDMENT

Date <u>12/07/07</u>	Application Fee <u>\$200.00</u>	Receipt No. <u>077106</u>
Application No. _____	Postage Fee <u> </u>	Receipt No. _____

I. TEXT AMENDMENT INFORMATION

Text to be Amended or Reviewed (please refer to necessary section of Pender County Zoning Ordinance):

Zoning Ordinance - Sections 2, 9, 8
2-(19), 9.16, 8.10

Proposed Amendment:

Height Limit Exception - see enclosed

Reason for Amendment:

To encourage commercial development

II. APPLICANT INFORMATION:

Applicant <u>Glen Lewis</u>	Address <u>134 Lewis Road</u>
Phone <u>910.538.4661</u> Fax _____	<u>Hampstead, NC 28433</u>
Email <u>ccsilin@ec.rf.com</u>	_____

III. SIGNATURE OF APPLICANT:

Glen Lewis

12/07/07

Owner: Glen Lewis

Applicant: Stephen Carpenter

Subject: Zoning Text Amendment – Building Height

The following is a request to raise the Pender County height limit for all residential and commercial buildings. This request is being made in attempt to facilitate further commercial development in Pender County. Condos, Hotels, Parking Decks and any other commercial development that may require building heights above 35ft are currently prohibited in Pender County. Allowing building heights above 35ft will not only encourage additional commercial development, but it will also benefit the residential building sector. Much of Pender County is within a flood plain. As a result, many residential buildings are required to elevate their first finished floor above the base flood elevation. Many times builders have trouble building a normal two story house on pilings without making costly changes to the architectural and structural design of their roofing systems. Below are the changes we are requesting to the Pender County Zoning Ordinance.

19) Building, Height of

The vertical distance from the ~~average sidewalk grade or street grade or finished grade at the building line, whichever is the highest~~ *highest adjacent grade*, to the highest point *first eave* of the building.

SECTION 9 - SUPPLEMENTARY DISTRICT REGULATIONS

9.16 – Maximum Building Height

Any building exceeding 35ft must meet the following requirements:

- A. Any height limit above thirty-five (35) feet shall require a special use permit approved by the Pender County Board of County Commissioners. This requirement shall apply to any use, in all zoning districts.
- B. The proposed use must meet all requirements and is subject to all provisions of Section 15 of the Pender County Zoning Ordinance.
- C. For buildings exceeding thirty-five (35) feet, the applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue area are in place.

8.10 Schedule of District Requirements (9)(12)(15)

(6) Note: The Board of ~~Adjustment~~ **Commissioners** may grant approval of construction where heights are greater than those listed in the District Requirements in any area. See also Section 10.3 **and 9.16**.

Height Limits for Coastal Jurisdictions

Local Government	Height Limit
Pender County	35'
New Hanover County	35', 44' in VE flood zone
Brunswick County	40' base for residential, up to 10' increase with 1' additional property setback 50' base for multi-family and commercial, up to 75' with 2' additional property setback
Town of Chadbourn	35'
City of Whiteville	35'
Town of Boiling Spring Lakes	28' one story, 42' two story
Town of Caswell Beach	35' or 26' above BFE
City of Southport	40'
Town of Surf City	48', 55' commercial, 60' with SUP on urban waterfront and mainland
Town of Ocean Isle Beach	31'
Town of Oak Island	35', 41' in VE flood zone
City of St. James	40'
Town of Navassa	35'
Town of Burgaw	35' industrial, 45' industrial
City of New Bern	35', 35-50' with SUP, above 50' with CUP in waterfront overlay districts
Town of Beaufort	35'
Town of Kitty Hawk	35' with one zoning district allowing hotels up to 76'

*Data provided by North Carolina Planning List Serv